

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

IRVIN E. COLEMAN,

Petitioner,

v.

Case No.: 2:23cv676

**CHADWICK DOTSON, Director,
Virginia Department of Corrections,**

Respondent.

FINAL ORDER

Before the Court is an Amended Petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. ECF No. 6. In his Amended Petition, the *pro se* Petitioner seeks a court order requiring the Virginia Department of Corrections to award Petitioner good conduct allowance and good time credits, and to apply sentence credits that would result in his immediate release. ECF No. 6. On August 12, 2024, Respondent filed a Motion to Dismiss. ECF No. 14. Petitioner filed a response to the Motion to Dismiss. ECF No. 20. Additionally, Petitioner filed a Motion for Default Judgment, ECF No. 18, a Motion to Grant Petition for a Writ of Habeas Corpus, ECF No. 19, and a Motion for an Evidentiary Hearing and to Grant Petition for a Writ of Habeas Corpus, ECF No. 21.

The matter was referred for disposition to a United States Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(B)-(C), Federal Rule of Civil Procedure 72(b), Local Civil Rule 72, and the April 2, 2002 Standing Order on Assignment of Certain Matters to United States Magistrate Judges. In a Report and Recommendation entered on January 24, 2025, ECF No. 29, the Magistrate Judge recommended that the relief sought by Respondent's Motion to Dismiss be GRANTED, and the Amended Petition be DENIED AND DISMISSED WITH PREJUDICE.¹ The Magistrate Judge also recommended that Petitioner's Motion for Default Judgment, ECF No. 18, Petitioner's Motion to Grant Petition for a Writ of Habeas Corpus, ECF No. 19, and Petitioner's Motion for an Evidentiary Hearing and to Grant Petition for Writ of Habeas Corpus, ECF No. 21, be DENIED. The parties were advised of their right to file written objections to the Report and Recommendation. Neither the Petitioner nor the Respondent filed objections with the Court.

Having reviewed the record and having heard no objection, the Court agrees with the Report and Recommendation on the grounds stated by the Magistrate Judge and **ADOPTS** and **APPROVES** the Report and Recommendation (ECF No. 29) in its entirety as the Court's own

¹ The Magistrate Judge's Report and Recommendation construed the Amended Petition as one under 28 U.S.C. § 2254. See ECF No. 29 at 6.


opinion. Accordingly, Respondent's Motion to Dismiss (ECF No. 14) is **GRANTED**, and the Amended Petition (ECF No. 6) is **DENIED** and **DISMISSED WITH PREJUDICE**. It is **ORDERED** that judgment be entered in favor of the Respondent. Additionally, Petitioner's Motion for Default Judgment (ECF No. 18), Petitioner's Motion to Grant Petition for a Writ of Habeas Corpus (ECF No. 19), and Petitioner's Motion for an Evidentiary Hearing and to Grant Petition for Writ of Habeas Corpus (ECF No. 21), are **DENIED**.

The Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of the Court at the Walter E. Hoffman United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date judgment is entered. Because the Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b)(1), the Court declines to issue a certificate of appealability. See *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003).

The Clerk is **DIRECTED** to forward a copy of this Order to the Petitioner and counsel of record for the Respondent.

It is so **ORDERED**.

March 4, 2025

/s/ 
Rebecca Beach Smith
Senior United States District Judge